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SENATE  
S.B. No. **1889**

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Introduced by Senator Ana Theresia "Risa" Hontiveros-Baraquel

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**AN ACT DEFINING AND PROHIBITING ELDER ABUSE,  
PROVIDING PENALTIES THEREFORE, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

For many years, Elder Abuse was a hidden, unspoken issue in society. Similar to wife-beating, incest, and child abuse, it was a private problem kept within the confines of the domestic realm. But as a form of family violence, it has remained under or misdiagnosed, under-reported, and poorly addressed by public policy even if it is not uncommon that if one type of abuse is occurring within a home, other forms of abuse may be (or will soon be) taking place. Meanwhile, elderly abuse is still often ignored by health professionals, and sadly, most perpetrators of the abuse are usually one's own family members.

As the elderly population multiplies, so will the incidence of elder abuse. One out of every 20 elderly people will be a victim of neglect or physical, psychological or financial abuse this year.

Extreme cases of elder abuse have obvious manifestations, like pressure marks on the body, broken bones, depression, unexplained withdrawal from normal activities, unattended medical needs, or strained, tense relationships. But most of elder abuse is subtle. It is difficult to tell the difference between normal interpersonal stress and abuse. Thus, it seems, elder abuse and neglect are often "hidden".

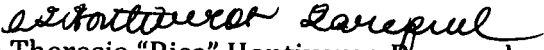
But the phenomenon of elder abuse is becoming increasingly recognized by both medical facilities and social agencies. More and more studies have highlighted the seriousness and magnitude of elder abuse as an issue concerning the health and welfare of older persons. As such, Elder Abuse is now considered a major public health and human rights issue.

The World Health Organization's (WHO) Toronto Declaration on Elder Abuse defines elder abuse as "a single or repeated act, a lack of appropriate action, occurring within any relationship where there is an expectation of trust that causes harm or distress to an older person." It is not just an intentional negligent act that causes harm to a vulnerable adult, but may actually consist of neglect, abuse, and actual violence against an older person. It may take the form of physical, psychological and emotional abuse, financial or material exploitation, medical maltreatment, even sexual exploitation and abandonment.

Statistics uncover a frightening picture of elderly abuse around the world. The problem may get worse as the number of senior citizens increase. In the United States, it is estimated that people over the age of 65 will number about 52 million in the year 2020. With those aged 85 years or older as the fastest growing group, they will comprise a big part of America's population-almost 1/6 of the total. Meanwhile, the Philippines' elderly population has been steadily increasing in both size and proportion. By 2010, Filipino senior citizens are estimated to be 7M.

Initially thought to be a problem of the developed world, elder abuse is now recognized as universal, although evidence from less-developed countries is primarily anecdotal. In the Philippines, elderly abuse is still not as prevalent as in the West. But of late, elderly abuse is no longer unheard of in modern Filipino culture. Despite our strong tradition of filial piety, it is not as unknown as people perceive it to be. It may be quite disturbing, but we have to admit that it may be a sign of the changing times and it is about time that the government does something to address this problem.

The purpose of this bill is more than just clearly defining elder abuse as a specific offense with a corresponding penalty. It seeks to bring to light the special context of Elder Abuse, of the particular "vulnerability" advance age has and which is taken advantage of by offender-perpetrators. Like domestic violence or VAWC, elder abuse may be a form of family abuse that is both a sensitive and controversial issue, requiring careful intervention from the State, hence the necessity for rules on immunity and confidentiality. More importantly, the most significant intervention is the requirement for clear and concrete Affirmative Acts that will raise public awareness and prevent the incidence of elder abuse.

  
Ana Theresia "Risa" Hontiveros-Parauel

SENATE  
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Introduced by Senator Ana Theresia "Risa" Hontiveros-Baraquel

**AN ACT DEFINING AND PROHIBITING ELDER ABUSE,  
PROVIDING PENALTIES THEREFORE, AND FOR OTHER PURPOSES**

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

**SECTION 1. Short Title** – This Act shall be known as the “Anti-Elder Abuse Law of 2018”.

**SECTION 2. Declaration of Policy** – Pursuant to the 1987 Constitution’s Article II, Section 11, which declared that the State values the dignity of every human person and thereby guarantees the full respect for human rights, and Article III, Section 1, which mandates that “No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws”, it is hereby declared the policy of the State to work actively for the elimination of all forms of discrimination, violence and abuse against the elderly.

Moreover, the following Constitutional provisions also mandate that:

“The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full development, a rising standard of living and an improved quality of life.” (Article II, Section 9)

“The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all people at affordable cost. There shall be priority for the needs of the underprivileged sick, elderly, disabled, women and children.” (Article XIII, Section 2 on Health Services)

“It is the duty of the family to take care of its older person members while the State may design programs of social security for them.” (Article XV, Section 4 on the Filipino Family)

In addition, Republic Act No. 9262 or the VAWC Act declares that the State shall exert efforts to address violence committed against women, and Republic Act No. 9710 or the Magna Carta of Women’s Section 33 on the Protection of Senior Citizens state that “the State shall protect women senior citizens from neglect, abandonment, domestic violence, abuse, exploitation, and discrimination.”

Towards this end, the following discriminatory and abusive practices committed against senior citizens s defined herein shall be proscribed and penalized. Moreover, the

1 State shall ensure that special protective mechanisms and support services against  
2 violence, sexual abuse, exploitation, and discrimination of older people.

3  
4 **SECTION 3. Definition of Terms – As used in this Act:**

- 5 a) Elderly - refers to any resident of the Philippines at least sixty (60) years of age.  
6
- 7 b) Discrimination - any distinction, exclusion, restriction, or preference which is based  
8 on any ground such as sex, sexual orientation, gender identity, whether actual or  
9 perceived, and which has the purpose or effect of nullifying or impairing the  
10 recognition, enjoyment, or exercise by all persons of an equal footing of all rights  
11 and freedoms.  
12
- 13 c) Marginalization – any condition where people are systematically excluded from  
14 meaningful participation in economic, social, political, cultural and other forms of  
15 human activity in their communities and thus are denied the opportunity to fulfil  
16 themselves as human beings.  
17
- 18 d) Senior Citizen – is a person 60 years old or above; it may be used interchangeably  
19 with the words “elderly” or “older person” which are more general or encompassing  
20 to refer to older people.  
21
- 22 e) Elder Abuse - any act of commission or of omission (“neglect”) to an elderly (60  
23 years old and above) that may be either intentional or unintentional resulting in  
24 unnecessary suffering, injury or pain, the loss or violation of human rights, and a  
25 diminished quality of life for the older person. It may take the form of physical,  
26 psychological and emotional abuse, financial or material exploitation, medical  
27 maltreatment, even sexual exploitation and abandonment. It is not just an  
28 intentional negligent act that causes harm to a vulnerable adult, but may actually  
29 consist of neglect, abuse, and actual violence against an older person. Some cases  
30 involve more than one type of abusive behavior, such as the abuser victimizing the  
31 elderly person both physically and emotionally.  
32
- 33 f) Physical abuse - the “infliction of pain or injury, physical coercion, or physical or  
34 drug-induced restraint”. Includes intentional acts of violence that inflict bodily or  
35 physical harm.  
36
- 37 g) Battery – act of inflicting physical harm resulting to physical and psychological or  
38 emotional distress  
39
- 40 h) Sexual abuse - a “non-consensual sexual contact of any kind with an elderly”.  
41 Applies to acts which are sexual in nature such as sexual harassment, acts of  
42 lasciviousness, rape and/or sexual assault.  
43
- 44 i) Psychological or Emotional abuse - the “infliction of mental anguish”. Applies to acts  
45 and/or omissions causing or likely to cause mental or emotional suffering such as  
46 but not limited to intimidation, public ridicule and humiliation, mockery and  
47 vilification, repeated verbal abuse, harassment, and threats.  
48
- 49 j) Financial or Material abuse - “the illegal or improper exploitation or use of funds or  
50 resources of the elderly”. Applies to Acts that make or attempt to make an older  
51 person financially dependent, and/or actual deprivation or threat of deprivation of  
52 financial resources such as withdrawal of financial support, including controlling  
53 the victim-survivor’s own money or properties.  
54

- 1 k) Neglect - consists of "refusal or failure to fulfill a care-giving obligation. It can  
2 involve a conscious and intentional attempt to inflict physical or emotional distress  
3 on the older person."  
4

5 **SECTION 4. Meaning and Context of Elder Abuse** - Under this Act, advanced age or  
6 seniority shall no longer be considered as a mere Aggravating Circumstance in an offense.  
7 As in the case of Child Abuse, age shall be appreciated with the added dimension of  
8 vulnerability which the offender or perpetrator took advantage of or failed to respect or  
9 give special consideration to.

10 Elder abuse may be defined as "a single or repeated act, a lack of appropriate action,  
11 occurring within any relationship where there is an expectation of trust and support, that  
12 causes harm or distress to an older person."  
13

14 **SECTION 5. Prohibited Acts Constituting Elder Abuse** - Physical abuse is defined as the  
15 use of physical force that may result in bodily injury, physical pain, or impairment. Physical  
16 abuse may include but is not limited to such acts of violence as striking (with or without an  
17 object), hitting, beating, pushing, shoving, shaking, slapping, kicking, pinching, and burning.  
18 In addition, inappropriate use of drugs and physical restraints, force-feeding, and physical  
19 punishment of any kind also are examples of physical abuse.

- 20 a) Sexual abuse is defined as non-consensual sexual contact of any kind with an elderly  
21 person. Sexual contact with any person incapable of giving consent is also  
22 considered sexual abuse. It includes, but is not limited to, unwanted touching, all  
23 types of sexual assault or battery, such as rape, sodomy, coerced nudity, and  
24 capturing sexually explicit acts in photographs and video.  
25  
26 b) Emotional or psychological abuse is defined as the infliction of anguish, pain, or  
27 distress through verbal or nonverbal acts. Emotional/psychological abuse includes  
28 but is not limited to verbal assaults, insults, threats, intimidation, humiliation, and  
29 harassment. In addition, treating an older person like an infant; isolating an elderly  
30 person from her/his family, friends, or regular activities; giving an older person the  
31 "silent treatment;" and enforced social isolation are examples of  
32 emotional/psychological abuse.  
33  
34 c) Financial or material exploitation is defined as the illegal or improper use of an  
35 elder's funds, property, or assets. Examples include, but are not limited to, cashing  
36 an elderly person's checks without authorization or permission; forging an older  
37 person's signature; misusing or stealing an older person's money or possessions;  
38 coercing or deceiving an older person into signing any document (e.g., contracts or  
39 will); and the improper use of conservatorship, guardianship, or power of attorney.  
40  
41 d) Neglect is defined as the refusal or failure to fulfill any part of a person's obligations  
42 or duties to an elder. Neglect may also include failure of a person who has fiduciary  
43 responsibilities to provide care for an elder (e.g., pay for necessary home care  
44 services) or the failure on the part of an in-home service provider to provide  
45 necessary care.  
46

47 Neglect typically means the refusal or failure to provide an elderly person with such  
48 life necessities as food, water, clothing, shelter, personal hygiene, medicine, comfort,  
49 personal safety, and other essentials included in an implied or agreed-upon  
50 responsibility to an elder.  
51

- 52 e) Abandonment is defined as the desertion of an elderly person by an individual who  
53 has assumed responsibility for providing care for an elder, or by a person with  
54 physical custody of an elder.

1  
2 **SECTION 6. Penalties** - The crime of Elder Abuse shall be punished according to the  
3 following Rules:

- 4 a) An offender-perpetrator shall be punished with imprisonment according to present  
5 criminal laws under The Revised Penal Code (RPC) and Republic Act No. 9262, or  
6 the Anti-Violence against Women and Children Act (Anti-VAWC);  
7 1) Acts constituting attempted, frustrated, or consummated Parricide, murder or  
8 homicide shall be penalized according to the RPC, especially if it results to  
9 mutilation,  
10 2) Acts constituting Serious Physical Injuries shall be punished by *Prision Mayor*,  
11 acts constituting Less Serious Injuries shall be punished by *Prision Correctional*,  
12 and anything constituting Slight Physical Injuries shall be punished by *Arresto*  
13 *Mayor*;  
14 3) Any act constituting sexual abuse or similar sexual-related offenses shall be  
15 punished by *Prision Mayor*;  
16 4) Any act constituting psychological and/or emotional abuse shall be punished by  
17 *Prision Mayor*;  
18 5) Any act constituting Financial, economic or material abuse shall be punished by  
19 *Prision Correctional*;  
20 6) Any act constituting neglect or abandonment of an older person shall be  
21 punished by *Arresto Mayor*;  
22  
23 b) The penalty provided shall be imposed in its maximum period:  
24 1) If the offender-perpetrator has been previously convicted under this Act;  
25 2) If the offender is a descendant, collateral relative or family member of up to the  
26 2<sup>nd</sup> degree of consanguinity or affinity;  
27 3) If the offender is an owner-operator, manager, or employee of a privately-  
28 operated, for profit or non-profit, elderly facility;  
29 4) If the offender is a public official, staff or employee of a government-operated  
30 elderly residential/group home; Provided, that said public servant or employee  
31 can be subjected to suspension and/or termination according to administrative  
32 discipline procedures.  
33  
34 c) The above-mentioned penalties shall not preclude the consequent civil case for  
35 damages or administrative charges that may also result in the suspension or  
36 revocation of accreditation or license to operate from the Department of Social  
37 Work and Development (DSWD).  
38

39 **SECTION 7. Enforcement and Protocols -**

- 40 a) Public Crime - Elder abuse shall be considered a Public Offense which may be  
41 prosecuted upon the filing of a complaint by any citizen having personal  
42 knowledge of the circumstances involving the commission of the crime;  
43  
44 b) The following persons may file a complaint for Elder Abuse -  
45 1) The Offended Older Person  
46 2) A caregiver, family member or collateral relative within the 4<sup>th</sup> degree of  
47 consanguinity or affinity;  
48 3) A healthcare provider, therapist, or counselor;  
49 4) A fellow senior citizen from an elderly organization, or a churchmate from  
50 the parish;  
51 5) Barangay officials, including Brgy. Chairperson, *Kagawads*, or *Tanods*;  
52 6) Social Welfare Officers from the DSWD or Local Government Unit;  
53 7) Police Officers or Law Enforcers.  
54

- 1 c) Barangay Officials or Law enforcers shall respond immediately to a call for help  
2 or request for assistance by entering the dwelling, checking on the well-being of  
3 the victim, and ensuring the safety of the victim-survivor; As immediate  
4 responders, they must also transport or escort the victim to a safe place of their  
5 choice or to a clinic or hospital, if and when necessary;  
6
- 7 d) Immunity - Any person or private individual acting in accordance with law,  
8 responds or intervenes without using violence or restraint greater than  
9 necessary to ensure the safety of the victim, shall NOT be liable for any criminal,  
10 civil, or administrative case resulting therefrom.  
11
- 12 e) Prohibited Defense - Being under the influence of alcohol, any illicit drugs, or any  
13 other mind-altering substance shall not be a defense under this Act.  
14
- 15 f) Prohibited Acts by Government Officials - Any barangay official or court hearing  
16 an application for a Protection Order for an abused elderly woman according to  
17 RA 9262 or VAWC Act, shall not order, direct, force, or in any way influence the  
18 applicant to compromise or abandon any of the reliefs sought under RA 9262.  
19 Failure to comply shall render the official or judge administratively liable.  
20
- 21 g) The DSWD and Department of Health (DOH) shall require physicians, caregivers,  
22 or social workers who suspect ill treatment of senior citizens to discuss the  
23 concern with the family or the head of the nursing home or elderly facility. In  
24 case the ill-treatment is confirmed, or in the event of suspicious death, the same  
25 shall be reported to the appropriate authorities.  
26
- 27 h) Confidentiality - All cases pertaining to elder abuse including those at the  
28 barangay level shall be confidential, and all public officers and employees of  
29 public or private hospitals/clinics shall respect the right to privacy of the victim-  
30 survivor. Any person who shall make public any relevant or identifying  
31 information about the case or the victim shall be made liable for contempt of  
32 court and shall suffer the penalty of one year imprisonment and a fine of  
33 P500,000.00.  
34

35 **SECTION 8. Establishment of a Senior Citizens Help Desk** – Every barangay shall  
36 establish a senior citizens Help Desk which shall provide immediate assistance to victim-  
37 survivors of elder abuse. Besides barangay officials, it may be manned by duly accredited  
38 representatives of the senior citizens sector or from the membership of a local elderly  
39 organization designated and authorized by the Barangay Council or Chairperson.  
40

41 **SECTION 9. Mandatory Programs and Services for Victims of Elder Abuse** – The DSWD  
42 and LGUs shall provide the victims temporary shelter, counseling, psycho-social services  
43 and/or recovery, rehabilitation programs and financial assistance.

44 The Office of Senior Citizens Affairs (OSCA) shall include services addressing  
45 gender-based violence as well as elder abuse. All suspected cases of abuse and/or neglect  
46 of senior citizens must be reported in accordance with existing laws. The OSCA, in  
47 coordination with the Local Social Welfare and Development Officer (LSWDO), shall  
48 maintain an Elder Abuse documentation and case monitoring system, and set up a  
49 databank to keep an accurate and reliable record of instances of abuse and violence  
50 committed against the elderly.  
51

52 **SECTION 10. Counseling and Rehabilitation of Offenders-Perpetrators** – The DSWD  
53 shall provide rehabilitative counseling and treatment of perpetrators towards learning

1 constructive ways of coping with their anger, emotional outbursts, or stress, and reforming  
2 their ways. Psychiatric treatment or confinement may also be recommended by the  
3 responsible authorities if necessary.

4  
5 **SECTION 11. Trainings and Capacity-Building for Intervenors** – All government  
6 agencies involved in responding to elder abuse cases shall be required to undergo  
7 education and training to acquaint them with:

- 8 a) The nature, extent, causes, and risk factors of elder abuse;
- 9 b) The legal rights and remedies of victim-survivors of elder abuse;
- 10 c) Legal duties of barangay officials, OSCA Heads, LSWDOs, police officers and court  
11 authorities in offering assistance and protection;
- 12 d) The available services and facilities for victim-survivors of elder abuse;
- 13 e) Specific techniques in handling elder abuse cases to minimize injury and  
14 promote the safety and ensure the well-being of the victim-survivor.

15  
16 The DOH and other concerned institutions shall provide capacity-building on the  
17 prevention, detection, and management of psycho-social problems and other geriatric  
18 concerns of senior citizens such as dementia and Alzheimer's Disease, among healthcare  
19 providers, home caregivers, and staff and employees of nursing homes and/or elderly  
20 residential facilities, specifically on handling older person abuse.

21  
22 **SECTION 12. Affirmative Acts** – To ensure that the rights and welfare of older persons are  
23 protected, the following programs and interventions shall be developed and implemented:

- 24 a) Establish clear advocacy/information programs and increase public awareness to  
25 minimize risks of neglect, abuse and violence to older persons;
- 26 b) Include training on the prevention, detection and management of social problems  
27 of senior citizens among healthcare professionals and law enforcement officers,  
28 specifically on the handling of elder abuse cases;
- 29 c) Encourage the development and utilization of supportive community resources  
30 that provide in-home services, respite care, and stress reduction with high-risk  
31 families; In addition, explore the possibilities of subsidies and outreach support  
32 for family and caregivers to promote quality homecare for senior citizens; and
- 33 d) Ensure high priority to the enactment of measures that would provide social  
34 protection to the elderly and reduce their socio-economic and political  
35 disparities.
- 36 e) Continue to develop and initiate programs and services for senior citizens that are  
37 gender-responsive, rights-based, and culture-sensitive so as to ensure specific  
38 needs and concerns of senior citizens are identified and addressed.
- 39 f) Review school curricula and teaching modules through the DepEd and CHED to  
40 highlight with renewed focus the importance of family values, filial piety, and  
41 respect for the elderly.

42  
43 **SECTOION 13. Appropriation** – The amount necessary to carry out the provisions of this  
44 Act shall be included and incorporated in the annual General Appropriations Act.

45  
46 **SECTION 14. Separability Clause** – If any provision or part hereof is held invalid or  
47 unconstitutional, the remaining provisions not affected thereby shall remain valid and  
48 subsisting.



1 **SECTION 15. Repealing Clause** - Any law, presidential decree or issuance, executive  
2 order, letter of instruction, administrative order, rule or regulation contrary to or  
3 inconsistent with the provisions of this Act is hereby repealed, modified, or amended  
4 accordingly.

5  
6 **SECTION 16. Effectivity** - This Act shall take effect fifteen (15) days after its publication in  
7 the Official Gazette or in two (2) newspapers of general circulation in the Philippines.

8

9 Approved,